UNITED STATES PATENT AND TRADEMARK OFFICE

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10/551,544	02/21/2006	Osamu Kurai	KURA3005/REF	4325

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 April 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the Applicants' amendment received on

04/14/2008.

Claim Status

2.   Claims 1-6 are amended.

3.   Claims 7-26 are new.

4.   **Claims 1-26** are currently presenting for examination, with claims 1, 4, 5, 6, 15,

19 and 23 being independent.

Drawings

5.   The replacement sheets of Figures 1-4, 11 and 22 received on 04/14/2008 are

acceptable. Therefore, objections to drawings are withdrawn.

Claim Objections

6.   Applicant's amendments to objections of claims 2 and 3 are acknowledged.

Therefore, objections to the claims are withdrawn.

Claim Rejections – 35 USC §112

7.   Applicant's amendments to rejections of claims 1, 4, 5 and 6 under 35 U.S.C

112, 2nd paragraph are acknowledged. However, examiner is not persuaded. Claims 1,

4, 5 and 6 are indefinite because of the claims language (see rejection under 35 U.S.C

112, 2nd paragraph below for explanations). Therefore, rejections to the claims are

maintained.

Claim Rejections – 35 USC §101

8.   Applicant's amendments to rejections of claims 1-3 and 4 under 35 U.S.C 101 is

acknowledged. Therefore, rejections to the claims are withdrawn.

9.   This action has been made **FINAL**.

Claim Objections

10.   Claims 1 and 4 are objected to because of the following informalities: The added

limitation "*at least one processor that executes computer programs stored on a computer-*

readable medium, the computer programs including executable code" in claims 1 and 4, in

accordance with the disclosure (page 14, line 23 to page 15, lines 19 of specification),

this limitation however belongs to " *cellular phone terminal unit*", claims 1 and 4 claimed "*a*

search device". Appropriate correction is required.

Claim Rejections - 35 USC § 112

11.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

12.　　Claims 1, 4, 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the enablement requirement.　The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention.

　　　　Claims1, 4, 5 and 6 recite "*the (contents including) data corresponding to information*

showing a capacity included in an information request command (and a key word".　It is

unclear to the examiner.　The specification does not describe this limitation.　Therefore,

the limitations that belong to "*having more characters than the restricted character set*"

in the claim(s) will not be addressed since the examiner unable to determine the metes

and bounds of the limitations.

　　　　Claim 2-3 and 7-14 are rejected for the same reason, due to their dependence on

the above rejected claims

13.　　The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

14.　　Claims 1, 4, 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

　　　　Regarding claims 1, 4, 5 and 6, the following limitation is vague: "*a contents*

providing server capable of providing contents, the (contents including) data corresponding to

information showing a capacity included in an information request command (and a key word)"

in lines 2-4 of claims 1, 4, 5 and 6, is unclear to what Applicant is claiming.

Claims 1, 4, 5 and 6 also recite the limitation "*the capacity of a typical model in a*

model group" in line 8 of claims 1 and 4, line 6 of claim 5 and lines 6-7 of claim 6. There

is insufficient antecedent basis for this limitation in the claim.

Claims 7, 9, 11 and 13 recite the limitation "*the capacity*" is unclear which capacity

that Applicant referred to.

Claim Rejections - 35 USC § 101

15.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

16.   Claims 5, 6, 11-14 and 23-26 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

Claims 5 and 6 are directed to a system comprising software per se. Software

per se is not one of the four categories of invention. Software per se is not a series of

steps or acts and thus is not a process. Software per se is not a physical article or

object and as such is not a machine or manufacture. Software per se is not a

combination of substances and thus, is not a composition of matter. Therefore, claims 5

and 6 are non-statutory.

Claims 11-14 are rejected due to their dependence on the above rejected claims.

Claims 23-26 are directed to a system comprising software per se. Software per

se is not one of the four categories of invention. Software per se is not a series of steps

or acts and thus is not a process. Software per se is not a physical article or object and

as such is not a machine or manufacture. Software per se is not a combination of

substances and thus, is not a composition of matter. Therefore, claims 23-26 are non-

statutory.

Claim Rejections - 35 USC § 102

17.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

18.   Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Rouse

et al., US Patent Number 6,983,310 B2 (hereinafter referred as to Rouse).

Regarding claim 1, Rouse discloses a search device providing a search service about data provided by a contents providing server capable of providing contents, the data corresponding to information showing a capacity included in an information request command, the search device comprising:

at least one processor that executes computer programs stored on a computer-readable medium (col. 20, lines 15-49), the computer program including executable code that provides:

a crawling means for searching an address of said contents by using the information showing the capacity of a typical model in a model group, the model group being set according to the capacity (e.g. The present invention enables IT mangers, systems administrators and other authorized entities with enhanced security features that may include the ability to restrict the devices and wireless services that are allowed to access information and/or data, col. 5, lines 1-5);

a search index holding the address of the contents obtained by said crawling means in correspondence to an identifier that identifies a terminal unit in the model group at a time of crawling (e.g. the list of registered device users may be controlled (or maintained) by a system administrator or other authorized entity, col. 4, lines 51-53); and

a searching means for gobbling down the address of the contents in said search index in correspondence to the identifier included in the information request command from the terminal unit (col. 6, lines 4-23).

Regarding claim 2, Rouse further discloses model group is provided per kind of the contents (e.g. Tool may serve to allow the design of a mobile version of applications to run (or execute) successfully on various wireless devices, col. 5, lines 53-55).

Regarding claim 3, Rouse further discloses the search device further comprising:

a template corresponding to every said terminal units of a plurality of generations in which the display capacities of the search results are different (col. 5, lines 45-48);

a generation detecting means for detecting the generation of the terminal unit to which the information request command to said search means is supplied (e.g. Request handlers 214 may process one or more request from the device and send response pages back to the device, col. 6, lines 20-22); and

a search result generating means for generating the data of the search result in correspondence to the generation of the terminal unit detected by said generation detecting means (col. 16, lines 10-15).

Regarding claim 4, Rouse discloses a search device providing a search service about data provided by a contents providing server capable of providing contents, the data corresponding to information showing a capacity included in an information request command and a key word, the search device comprising:

at least one processor that executes computer programs stored on a computer-readable medium (col. 20, lines 15-49), the computer program including executable code that provides:

a crawling means for searching a predetermined address corresponding to said contents by using the information showing the capacity of a typical model in a model group, the model group being set according to the capacity (col. 5, lines 1-5);

a search index holding the predetermined address corresponding to the contents obtained by said crawling means in correspondence to an identifier that identifies a terminal unit in the model group at a time of crawling (col. 4, lines 51-53);

a searching means for gobbling down the predetermined address in said search index in correspondence to the key word and the identifier included in the information request command from the terminal unit (col. 6, lines 4-23); and

a search result generating means for generating a search result including said predetermined address and the search result (col. 16, lines 10-15).

Regarding claim 5, Rouse discloses an information providing system comprising:

a contents providing server capable of providing contents, the contents including data corresponding to an information showing a capacity included in an information request command (e.g. Server 120 may comprise various modules, databases and other function, col. 5, lines 27-34); and

a search device having a crawling means for searching an address of said contents by using the information showing the capacity of a typical model in a model group the model group being set according to the capacity (col. 5, lines 1-5), a search index holding the address of the contents obtained by said crawling means in correspondence to an identifier that identifies a terminal unit in the model group at a

time of crawling (col. 4, lines 51-53), and a searching means for gobbling down the

address of the contents in said search index in correspondence to the identifier included

in the information request command from the terminal unit (col. 6, lines 4-23).

Regarding claim 6, Rouse discloses an information searching system comprising:

a contents providing server capable of providing contents, the contents including

data corresponding to information showing a capacity included in an information request

command and a key word (col. 5, lines 27-34); and

a search device having a crawling means for searching a predetermined address

corresponding to said contents by using the information showing the capacity of a

typical model in a model group, the model group being set according to the contents

capacity (col. 5, lines 1-5), a search index holding the predetermined address of the

contents obtained by said crawling means in correspondence to a an identifier that

identifies a terminal unit in the model group at a time of crawling (col. 4, lines 51-53), a

searching means for gobbling down the predetermined address in said search index in

correspondence to the key word and the identifier included in the information request

command from the terminal unit (col. 6, lines 4-23), a search result generating means

for generating a search result including said predetermined address and the search

result (col. 16, lines 10-15).

Regarding claim 7, Rouse discloses, the capacity includes a contents display

capacity (e.g. the list of registered device, col. 4, lines 51-53).

Regarding claim 8, Rouse discloses, the identifier that identifies a terminal unit is

a model name (col. 15, lines 12-14).

Claims 9, 11 and 13 recite "*the capacity*" is similar to claim 7. Therefore claims 9,

11 and 13 are rejected by the same reason.

Claims 10, 12 and 14 recite "*the identifier*" is similar to claim 8. Therefore claims

10, 12 and 14 are rejected by the same reason.

Regarding claim 15, Rouse discloses a method for providing a search service,

comprising:

providing a server that includes data (e.g. server 120, Fig.1);

receiving, at the server, a request from a requesting device corresponding to the

data in the server (e.g. Servlet subsystem may be a class derived from a HTTP servlet

base class that receives Get, Post and other requests from a device, col. 6, lines 4-6.

Wherein, servlet is one of functions of the server, col. 5, lines 33-35), wherein the

request includes capacity information of the requesting device and identification

information of the requesting device (e.g. Servlet subsystem may interface with

request dispatcher. Server subsystem may use JNI (or other mechanism) to pass

request dispatcher each request with user data, HTTP header information, session

identifier and other information, col. 6, lines 11-15);

searching the data in the server according to the capacity information of the

requesting device and according to the identification information of the requesting

device (e.g. request dispatcher may be responsible for retrieving the correction session

context, invoking the correct request handler.sub.1.sub.X for each request, and

returning one or more responses to servlet subsystem. Request handlers may process

one or more requests from the device and send response pages back to the device,

such as WML decks or WML script bytecodes, col. 6, lines 17-23) ;

sending at least a portion of the data in the server to the requesting device in

response to the request, wherein the portion of the data corresponds to the capacity

information of the requesting device.

Regarding claim 16, Rouse further discloses, the capacity information includes

display capacity information of the requesting device (e.g. the list of registered device,

col. 4, lines 51-53).

Regarding claim 17, Rouse further discloses, the identification information

includes a model name of the requesting device (col. 15, lines 12-14).

Regarding claim 18, Rouse further discloses, the requesting device is a cellular

phone (col. 3, lines 61-65).

Regarding claim 19, Rouse discloses a method for requesting data from a server, comprising:

sending a request from a requesting device to the server (e.g. text-based browsers may use handheld device markup language to send request and receive data via wireless IP data network to HDML servers. The HDML server may forward the requests to the MSD server, col. 3, lines 65 -67 – col. 4, lines 1-4), wherein the request corresponds to data in the server (e.g. A wireless access server may interpret the request, act as a proxy between the mobile device and the server, and pull the requested information from one or more databases, col. 4, lines 4-7), and wherein the request includes capacity information of the requesting device and identification information of the requesting device (col. 6, lines 12-15);

receiving, at the requesting device, at least a portion of the data from the server, wherein the portion of the data corresponds to the capacity information of the requesting device (e.g. each request with user data, HTTP header information, session identifier and other information, col. 6, lines 13-15).

Claims 20, 21 and 22 recite "*the method*" are similar to claims 16, 17 and 18. Therefore claims 20, 21 and 22 are rejected by the same reason.

Regarding claim 23, Rouse discloses an information providing service group, comprising:

an information storage section that provides information corresponding to a

request from a requesting device (e.g. databases 128_1 – 128_N, Fig. 1), the request

including capacity information of the requesting device and identification information of

the requesting device (col. 6, lines 12-15), wherein the information provided by the

information storage portion varies according to the capacity information of the

requesting device and according to the identification information of the requesting

device (col. 6, lines 15-20); and

a content server (e.g. server 120, Fig. 1), coupled to the information storage

section (e.g. databases 128_1 – 128_N, Fig. 1.), that send at least a portion of the

information to the requesting device, wherein the portion of the information corresponds

to the capacity information of the requesting device (col. 6, lines 12-20).

Claims 24, 25 and 26 recite "*the information providing service group* " are similar to

claims 16, 17 and 18. Therefore claims 24, 25 and 26 are rejected by the same reason.

Response to Arguments

19.   Applicant's arguments, see page 18 of the arguments, filed 04/14/2008, have

been fully considered and but they are not persuasive.

As to Applicant's argument "Rouse does not teach of fairly suggest *the searching*

the contents identified by a crawling means using the capacity information and identifier,

included in an information request command from a terminal unit". The examiner respectfully

disagrees.

Rouse discloses: Servlet subsystem may be a class derived from a HTTP servlet base class that receives Get, Post and other requests form a device, such as a mobile device (col. 6, lines 4-6). Rouse also discloses: each request with user data, HTTP header information, session identifier and other information (col. 6, lines 13-15). Therefore, the teachings of Rouse anticipated " *the searching the contents identified by a crawling means using the capacity information and identifier, included in an information request command from a terminal unit".*

Conclusion

20.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CECILE VO whose telephone number is (571)270-3031.

The examiner can normally be reached on Mon - Thu (9AM - 5:00PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 16, 2008   /Cecile Vo/
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